

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff	§	
	§	
V.	§	CASE NO.:
	§	
\$11,473.00 UNITED STATES CURRENCY,	§	
Defendant.	§	

COMPLAINT FOR FORFEITURE IN REM

The United States of America, Plaintiff, files this action for forfeiture and alleges upon information and belief:

Nature of Action

1. This is a civil forfeiture action in rem brought under:
 - a. 18 U.S.C. § 981(a)(1)(C) which provides for the forfeiture of any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of any offense constituting “specified unlawful activity” (as defined in 18 U.S.C. § 1956(c)(7) which incorporates 18 U.S.C. § 1961(1) and includes any offense involving the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), punishable under any law of the United States), or a conspiracy to commit such offense;
 - b. 21 U.S.C. § 881(a)(6) which provides for the forfeiture of all moneys furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of the Controlled

Substances Act (21 U.S.C. § 801, *et seq.*), all proceeds traceable to such an exchange, and all moneys used or intended to be used to facilitate any violation of the Controlled Substances Act; and

c. 18 U.S.C. § 984 which provides that cash found in the same place as the property involved in the offense that is the basis for the forfeiture shall be subject to forfeiture so long as the action is commenced within one year from the date of the offense.

Jurisdiction and Venue

2. This Court has subject-matter jurisdiction of this action pursuant to 28 U.S.C. §§ 1345 and 1355.

3. Venue is proper in the Southern District of Texas under 28 U.S.C. §§ 1355, 1391, and 1395.

Defendant Property

4. The Defendant is \$11,473.00 in United States currency (“Defendant Property”). Law enforcement officers seized Defendant Property on or about January 7, 2015, from a residence in Pharr, Texas, pursuant to a federal search warrant issued by the federal court in McAllen, Texas. Defendant Property was located in various places inside the residence. Defendant Property is on deposit in the United States Marshal Service seized asset deposit fund account located at a Federal Reserve Bank.

5. Fidencio Ramirez (“Claimant”) filed a claim with the Drug Enforcement Administration (“DEA”) contesting the administrative forfeiture of Defendant Property. Claimant stated in his claim that he is the owner of Defendant Property.

Factual Basis

6. On January 7, 2015, Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) Special Agents, along with other law enforcement personnel, executed a federal search warrant at a residence in Pharr, Texas. During the search, agents found defendant property located behind a clock on a nightstand in one of the bedrooms, as well as in two drawers in the kitchen. Defendant property that was located in the kitchen drawers was found next to materials commonly used to manufacture and distribute illegal narcotics. Small amounts of cocaine were also found in those kitchen drawers next to defendant property.

7. In addition to defendant property, the law enforcement agents seized a pistol, drug ledgers, and approximately 11 grams of cocaine from the residence.

8. Defendant Property constitutes or is derived from proceeds traceable to a violation of any offense constituting “specified unlawful activity” (as defined in 18 U.S.C. § 1956(c)(7) which incorporates 18 U.S.C. § 1961(1) and includes any offense involving the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), punishable under any law of the United States), or a conspiracy to commit such offense.

9. Defendant Property was furnished or intended to be furnished in exchange for a controlled substance or listed chemical in violation of the Controlled Substances Act, 21 U.S.C. § 801, et seq., is proceeds traceable to such an exchange, or was used or intended to be used to facilitate any violation of the Controlled Substances Act, 21 U.S.C. § 801, et seq.

Notice to Any Potential Claimants

YOU ARE HEREBY NOTIFIED that if you assert an interest in Defendant Property which is subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime

Claims and Asset Forfeiture Actions. The verified claim must be filed no later than thirty-five (35) days from the date this Complaint has been sent in accordance with Rule G(4)(b).

An answer or motion under Rule 12 of the Federal Rules of Civil Procedure must be filed no later than twenty-one (21) days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas at United States Courthouse, 1701 W. Hwy. 83, Suite 1011, McAllen, Texas 78501, and a copy must be served upon the undersigned Assistant United States Attorney at United States Attorney's Office, 1000 Louisiana, Suite 2300, Houston, Texas 77002.

Prayer

Wherefore, the United States of America prays that judgment of forfeiture be entered against Defendant Property in favor of the United States of America under Title 18 U.S.C. §§ 981(a)(1)(C), 984, and Title 21 U.S.C. § 881(a)(6) and for such costs and other relief to which the United States of America may be entitled.

Respectfully submitted,
Kenneth Magidson
United States Attorney

By: /s/ E. Vincent Carroll
E. Vincent Carroll, AUSA
SDTX ID No. 1804030
1000 Louisiana, Suite 2300
Houston, Texas 77002
Fax: 713.718.3300
Phone: 713.567.9331

Verification

I, Randal Wilson, a Special Agent employed by the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), declare under the penalty of perjury, as provided by 28 U.S.C. § 1746, that I have read the foregoing Verified Complaint for Civil Forfeiture In Rem and Notice to Potential Claimants, and that the facts stated in that Complaint are based upon my personal knowledge, upon information obtained from other law enforcement personnel, or upon information I obtained in the course of the investigation, and they are true and correct to the best of my knowledge and belief.

Executed on the 9th day of June, 2015.



Randal Wilson
Special Agent
Bureau of Alcohol, Tobacco, Firearms & Explosives

Certificate of Service

I hereby certify that a copy of the foregoing has been served upon the following in the manner indicated on June 9, 2015:

Counsel for Fidencio Ramirez (certified mail/rrr)

Mr. Rogelio Solis
Attorney & Counselor At Law
2720 W. Canton, Ste. A
Edinburg, Texas 78538

/s/ E. Vincent Carroll

E. Vincent Carroll
Assistant U.S. Attorney